

11/10/2008

PTO/SB/22 (10-08)

Approved for use through 10/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b> <b>FY 2009</b> <i>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</i>	Docket Number (Optional) 1222-3																								
Application Number 10/733,125	Filed December 11, 2003																								
For <b>VWS SECURE/NON-SECURE BYPASS SWITCH</b>																									
Art Unit 2613	Examiner CURS, Nathan M.																								
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.																									
The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):																									
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;"></th> <th style="width: 20%; text-align: center;"><u>Fee</u></th> <th style="width: 20%; text-align: center;"><u>Small Entity Fee</u></th> <th style="width: 20%;"></th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> One month (37 CFR 1.17(a)(1))</td> <td style="text-align: center;">\$130</td> <td style="text-align: center;">\$65</td> <td style="text-align: center;">\$ _____</td> </tr> <tr> <td><input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2))</td> <td style="text-align: center;">\$490</td> <td style="text-align: center;">\$245</td> <td style="text-align: center;">\$ <u>245.00</u></td> </tr> <tr> <td><input type="checkbox"/> Three months (37 CFR 1.17(a)(3))</td> <td style="text-align: center;">\$1110</td> <td style="text-align: center;">\$555</td> <td style="text-align: center;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Four months (37 CFR 1.17(a)(4))</td> <td style="text-align: center;">\$1730</td> <td style="text-align: center;">\$865</td> <td style="text-align: center;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Five months (37 CFR 1.17(a)(5))</td> <td style="text-align: center;">\$2350</td> <td style="text-align: center;">\$1175</td> <td style="text-align: center;">\$ _____</td> </tr> </tbody> </table>		<u>Fee</u>	<u>Small Entity Fee</u>		<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$130	\$65	\$ _____	<input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$490	\$245	\$ <u>245.00</u>	<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1110	\$555	\$ _____	<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1730	\$865	\$ _____	<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2350	\$1175	\$ _____	
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<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.																									
<input type="checkbox"/> A check in the amount of the fee is enclosed.																									
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.																									
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.																									
<input type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____.																									
<b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>																									
I am the <input type="checkbox"/> applicant/inventor.																									
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).																									
<input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>33,494</u>																									
<input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____																									
 _____ Signature	November 6, 2008 _____ Date																								
Paul J. Farrell _____ Typed or printed name	516-228-3565 _____ Telephone Number																								
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.																									
<input type="checkbox"/> Total of _____ forms are submitted.																									

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): WINEGARD, Robert                      Examiner: CURS, Nathan M.  
Serial No.: 10/733,125                                      Group Art Unit: 2613  
Filed: December 11, 2003                                  Date: November 6, 2008  
For: **VWS SECURE/NON-SECURE BYPASS SWITCH**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL FORM**

Sir:

Transmitted herewith is an amendment in the above-identified application.

- ☐ Small entity status of this application under 37 C.F.R. §§1.9 and 1.27 has been established by a verified statement previously submitted.
- ☐ A verified statement to establish small entity under 37 C.F.R. §§1.9 and 1.27 is enclosed.
- ☒ No additional fee is required.

For	Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate (Small Entity)	Addit. Fee	Rate	Addit. Fee
TOTAL CLAIMS*	10	20	0	x 25 =	\$0	x 50 =	\$0
INDEPENDENT CLAIMS	3	4	0	x105 =	\$0	x210 =	\$0
<input type="checkbox"/> First Presentation of Multiple Dep. Claim				185		370	\$0

\* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.

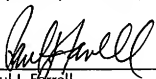
\*\* If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The Highest No. Previously Paid For\* (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

- ☐ Please charge Deposit Account No. **50-4053** in the amount of \$\_\_\_\_. Two (2) copies of this sheet are enclosed.
- ☐ A check in the amount of \$\_\_\_\_ is enclosed.
- ☒ Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §§1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 50-4053. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 50-4053 therefor. A DUPLICATE OF THIS SHEET IS ENCLOSED.

Respectfully submitted,



Paul J. Farrell  
Reg No. 33,494  
Attorney for Applicant(s)

THE FARRELL LAW FIRM  
333 Earle Ovington Blvd., Suite 701  
Uniondale, NY 11553  
(516) 228-3565

PATENT APPLICATION  
Response under 37 C.F.R. 1.116–  
Expedited Procedure – Examining Group Art Unit 2613  
**Attorney Docket No.: 1222-3**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT(S):** WINEGARD, Robert

**GROUP ART UNIT:** 2613

**APPLICATION NO.:** 10/733,125

**EXAMINER:** CURS, Nathan M.

**FILING DATE:** December 11, 2003

**DATED:** November 6, 2008

**FOR: VWS SECURE/NON-SECURE BYPASS SWITCH**

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**AMENDMENT**

Sir:

In response to the Office Action of the United States Patent and Trademark Office dated June 6, 2008, please consider the following amendments and remarks.

## AMENDMENTS TO THE CLAIMS

1. (Original) A secure/non-secure bypass switch, comprising:  
a first port for receiving input signals;  
a first relay having an input, a first output and a second output, said input connected to said first port, and said second output connected to a second port;  
a first fiber optic modem having an input and an output, said input connected to said first output of said first relay;  
a second fiber optic modem having an input and an output, said input connected to said output of said first fiber optic modem; and  
a second relay having an output, a first input and a second input, said first input connected to said output of said second fiber optic modem, said second input connected to a third port, and said output connected to a fourth port.

2. (Original) The switch of Claim 1, wherein the switch operates in a secure mode when no power is supplied to the switch, and the switch operates in a non-secure mode when power is supplied to the switch.

3. (Original) The switch of Claim 2, wherein if the switch is operating in a non-secure mode, the input of the first relay is connected to the first output of the first relay, and the first input of the second relay is connected to the output of the second relay.

4. (Original) The switch of Claim 2, wherein if the switch is operating in a secure mode, the input of the first relay is connected to the second output of the first relay, and the second input of the second relay is connected to the output of the second relay.

5. (Previously Presented) The switch of Claim 4, wherein an encryption device is connected between said second port and said third port, and operable during secure mode operation.

6. (Original) The switch of Claim 2, wherein power is supplied to the first and second fiber optic modems only during non-secure mode operation.

7. (Original) The switch of Claim 2, further comprising means for disconnecting power to the first and second fiber optic modems in the secure mode.

8. (Previously Presented) A method of secure/non-secure switching in a secure/non-secure bypass switch, comprising the steps of:

receiving signals to be routed;

determining if a secure or a non-secure operating mode is selected;

if a non-secure mode is selected, configuring relays to route the signals through at least two fiber optic modems to an output port; and

if a secure mode is selected, configuring relays to route the signals through an external encryption device to said output port.

9. (Original) The method of Claim 8, wherein if no power is supplied to the bypass switch the secure mode is selected.

10. (Original) The method of Claim 9, further comprising the step of disconnecting power to the fiber optic modems in the secure mode.

11-12. (Cancelled)

## REMARKS

Claims 1-12 are pending in the application. It is gratefully acknowledged that Claims 1-7 have been allowed.

The Examiner has rejected Claims 11 and 12 under 35 U.S.C. §102(b) as being anticipated by Cline (U.S. Patent 4,903,298).

The Examiner has provisionally rejected Claims 8-12 on the ground of nonstatutory obviousness-type double patenting (ODP) over claim of copending Application No. 11/140,209.

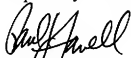
Please cancel Claims 11 and 12. No new matter has been added.

Regarding the rejection of Claims 11 and 12 under §102(b), the Examiner states that Cline anticipates each and every feature of the claim. Claims 11 and 12 have been cancelled, thus rendering the rejection moot.

Regarding the provisional ODP rejections of Claims 8-10, MPEP §804.I.B.1 Nonstatutory Double Patenting Rejections states, "If a 'provisional' nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer." Since the ODP rejection is the only rejection remaining in the present, and earlier filed, application, and copending Application No. 11/140,209, i.e. the later-filed application, is rejectable on other grounds, the ODP rejection should be withdrawn herein and permit the present application to issue as a patent.

Accordingly, all of the claims pending in the Application, namely, Claims 1-10, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul V. Farrell". The signature is fluid and cursive, with the first name "Paul" and last name "Farrell" clearly distinguishable.

Paul V. Farrell

Reg. No. 33,494

Attorney for Applicant

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PJF/MJM/df